



Attorney Docket No. 08258.P008C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PERLMAN, STEPHEN G.

Serial No.: 10/619,919

Filing Date: July 15, 2003

For: **METHOD OF OPERATION FOR A
THREE-DIMENSIONAL, WIRELESS
NETWORK**

Examiner: Mills, Donald L.

Art Unit: 2416

Confirmation No.: 7151

Petition for Revival of an Application for Patent Abandoned Unintentionally (37 CFR 1.137(b))

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to timely pay the required issue fee and publication fee within the 3-month statutory period which expired 01/05/2010. The date of abandonment is the day after the expiration date of the period set for reply in the Notice of Allowance and Fees Due. Applicant hereby petitions for revival of this application.

A petition fee of \$1,620.00 under 37 CFR 1.17(m) for a large entity is enclosed herewith.

02/03/2010 CNGUYEN3 00000028 10619919

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1620.00 0P

A reply in the form of the following papers is enclosed herewith:

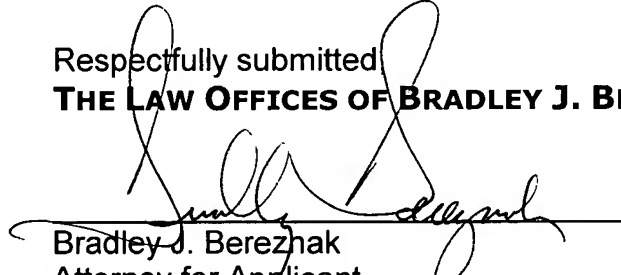
- (a) A copy of the Notice of Abandonment mailed 01/27/10, which indicates that the issue fee and publication fee were not paid due to an inadvertent clerical error (failing to type the deposit account number on form PTOL-85);
- (b) A copy of the previously-submitted form PTOL-85 dated 09/23/09;
- (c) A check in the amount of \$3,430 to cover the cost of the issue fee (\$1,510), publication fee (\$300) and petition fee (\$1,620) for a large entity; and
- (d) Statement Regarding Unintentional Delay.

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Please charge any shortages of fees or credit any overcharges of fees to our Deposit Account No. 50-2060.

Respectfully submitted
THE LAW OFFICES OF BRADLEY J. BEREZNAK

Dated: 01/29, 2010


Bradley J. Berezna
Attorney for Applicant
Registration No. 33,474

FIRST CLASS CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that the foregoing **Petition for Revival of an Application for Patent Abandoned Unintentionally** is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the M/S Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 01/29/2010.

Bradley J. Berezna
Name of Person Mailing Correspondence


Signature

01/29/10
Date



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For: **METHOD OF OPERATION FOR A
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Examiner: Mills, Donald L.

Art Unit: 2416

Confirmation No.: 7151

Statement Regarding Unintentional Delay

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states that the entire delay regarding a response to the Notice of Allowance and Fees Due mailed October 05, 2009 in the above referenced application until the filing of a grantable petition pursuant to 37 CFR 1.137(b), herewith, was unintentional. The reason for the delay is as follows.

On October 19, 2009, the undersigned instructed my administrative assistant, Anna Iosifova, to type in the required information on form PTOL-85 and, once completed, to present it to me for signature and mailing later that day. I instructed Ms. Iosifova to indicate on the form that the issue and publication fees would be paid via our deposit account, which was our routine office practice at the time. In an inadvertent oversight, the deposit account number (50-2060) of our law firm was not

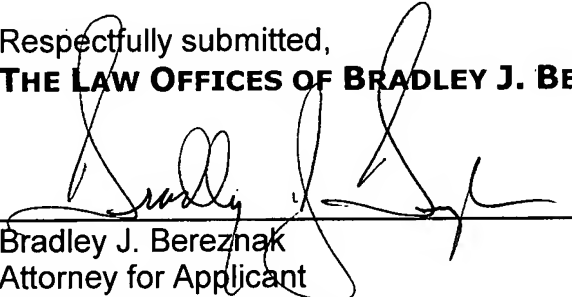
typed in the small space at the bottom of the Payment of Fee(s) section (section 4b). Obviously, I also did not notice this omission, as I signed the form and mailed it to the Mail Stop Issue Fee address of the USPTO. Our offices received the return postcard date-stamped October 22, 2009 indicating that the Issue Fee Transmittal was received at the USPTO.

I first learned of this inadvertent clerical oversight was on January 29, 2010, when I received the Notice of Abandonment. Immediately after learning that the application was abandoned, the undersigned attorney prepared the present Petition for Revival under 37 CFR 1.137(b).

Please charge any shortages of fees or credit any overcharges of fees to our Deposit Account No. 50-2060.

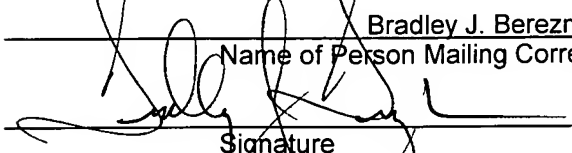
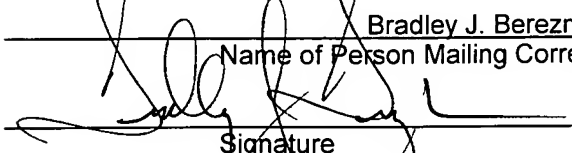
Respectfully submitted,
THE LAW OFFICES OF BRADLEY J. BEREZNAK

Dated: 01/29, 2010


Bradley J. Berezna
Attorney for Applicant
Registration No. 33,474

FIRST CLASS CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that the foregoing **Petition for Revival of an Application for Patent Abandoned Unintentionally** is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the M/S Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 01/29/2010.


Name of Person Mailing Correspondence Bradley J. Berezna
Signature  Date 01/29/10



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,919	07/15/2003	Stephen G. Perlman	08258.P008C	7151

7590 01/27/2010
THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040



EXAMINER	
MILLS, DONALD L	
ART UNIT	PAPER NUMBER
2416	
MAIL DATE	DELIVERY MODE
01/27/2010	PAPER

Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
 - (b) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$ 0 is insufficient. A balance of \$ 1055 is due.
The issue fee required by 37 CFR 1.18 is \$ 755.
The publication fee, if required by 37 CFR 1.18(d), is \$ 300.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ Drawings received on _____ were disapproved by examiner. See examiner's response dated _____.
7. ☐ Corrected drawings were received on _____, which is after the expiration of the one-month period for reply set in examiner's response dated _____.
8. ☐ No corrected drawings have been received in reply to one-month period set in examiner's response dated _____.
9. ☒ The reason(s) below: no deposit account number

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

(571)-272-4200 or 1(888)-786-0101
Patent Publication Branch
Office of Data Management